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UNITED STATES OF AMERICA

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

MAY 14 2003

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WALTER A. Y. H. CHINN, CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 02-00201 DAE
)	
Plaintiff,)	SECOND SUPERSEDING INDICTMENT
)	
vs.)	[18 U.S.C. §§ 1951]
)	
CARMICHAEL DOAN, (02))	
MATTHEW EMSHOFF, (04))	
BRIAN RALEY, (05))	
)	
Defendants.)	
)	

SECOND SUPERSEDING INDICTMENT

Count 1

The Grand Jury charges:

From on or about March 27, 2002, to on or about April 14, 2002 in the District of Hawaii, the defendants, CARMICHAEL DOAN, MATTHEW EMSHOFF, AND BRIAN RALEY, conspired with each other

and with others known and unknown to the grand jury to knowingly and unlawfully obstruct, delay and affect commerce as that term is defined in Title 18, United States Code, Section 1951(b)(3), and the movement of articles and commodities in such commerce by robbery as that term is defined in Title 18, United States Code, Section 1951(b)(1).

2. In furtherance of the conspiracy and in order to effect the objectives thereof, the conspirators performed the following overt acts, among others, in the District of Hawaii and elsewhere:

a. On or about March 24, 2002, one of the conspirators, called Pizza Hut and ordered two pizzas for delivery to 1535 Pensacola Street, Apartment 1104.

b. After the Pizza Delivery Driver unsuccessfully tried to deliver the pizzas to apartment 1104, Defendant CARMICHAEL DOAN and co-conspirator Ray Ridela met the driver outside and told him they had ordered the pizzas. After taking the pizzas. Co-conspirator Ridela demanded that the driver give him all of his money.

c. On or about March 27, 2002, one of the conspirators called Papa Johns Pizza and ordered two pizzas for delivery to 1535 Pensacola Street, Apartment 1104.

d. After the Papa John's driver arrived at 1535 Pensacola Avenue, he was met by, Defendant MATTHEW EMSHOFF and co-conspirator Ridela who asked him if he had change for a \$50. After some discussion about where it might be possible to get change, Co-conspirator Ridela pulled out a knife and demanded that the driver give him his wallet.

e. On or about April 10, 2002, one of the co-conspirators called Domino's Pizza and ordered two pizzas delivered to 1535 Pensacola.

f. After the driver arrived at Pensacola Street, co-conspirator Ridela got into the driver's car holding a knife and demanded the driver's money, wallet, and cellular phone.

g. On or about April 14, 2002, co-conspirator Armond Jackson, called Magoo's Pizza and ordered three pizzas to 1655 Liholiho Street, Apartment 304, Honolulu, Hawaii.

h. After the driver unsuccessfully attempted to deliver the pizzas to Apartment 304, co-conspirator Ridela, who was holding a knife, dragged the driver to the sidewalk outside the apartment and demanded his money.

All in violation of Title 18, United States Code, Section 1951.

Count 2

The Grand Jury further charges:

On or about March 24, 2002, in the District of Hawaii the defendant, CARMICHAEL DOAN, did knowingly and unlawfully obstruct, delay and affect, and attempt to obstruct, delay and affect, commerce as that term is defined in Title 18, United States Code, Section 1951, and the movement of articles and commodities in such commerce, by robbery as that term is defined in Title 18, United States Code, Section 1951, in that the defendant CARMICHAEL DOAN did unlawfully take and obtain personal property consisting of cash and pizza from the person and presence of a Pizza Hut Delivery Driver, against his will by means of actual and threatened force, violence, and fear of injury, immediate and future, to his person.

All in violation of Title 18, United States Code, Sections 1951 & 2.

Count 3

The Grand Jury further charges:

On or about March 27, 2002, in the District of Hawaii the defendant, MATTHEW EMSHOFF, did knowingly and unlawfully obstruct, delay and affect, and attempt to obstruct, delay and affect, commerce as that term is defined in Title 18, United States Code, Section 1951, and the movement of articles and commodities in such commerce, by robbery as that term is defined

in Title 18, United States Code, Section 1951, in that the defendant MATTHEW EMSHOFF did knowingly and unlawfully take and obtain personal property consisting of cash and pizza from the person and presence of a Papa John's Delivery Driver, against his will by means of actual and threatened force, violence, and fear of injury, immediate and future, to his person.

All in violation of Title 18, United States Code, Sections 1951 & 2.

Count 4

The Grand Jury further charges:

On or about April 10, 2002, in the District of Hawaii the defendant, BRIAN RALEY, did knowingly and unlawfully obstruct, delay and affect, and attempt to obstruct, delay and affect, commerce as that term is defined in Title 18, United States Code, Section 1951, and the movement of articles and commodities in such commerce, by robbery as that term is defined in Title 18, United States Code, Section 1951, in that the defendant BRIAN RALEY did unlawfully take and obtain personal property consisting of cash and pizza from the person and presence of Domino's Pizza delivery driver, against his will by means of actual and threatened force, violence, and fear of injury, immediate and future, to his person.


All in violation of Title 18, United States Code,
Section 1951 & 2.


DATED: May 14, 2003, at Honolulu, Hawaii.

A TRUE BILL

13/
FOREPERSON, GRAND JURY

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